IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2005

CORAM

THE HON'BLE MR.MARKANDEY KATJU, CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.MURUGESAN

W.A.No.999 of 2004
and
W.P.Nos.19909 of 2001 & 31183 of 2003

The Member Secretary,
Sports and Development Authority of Tamil Nadu,
Nehru Park, Chennai - 84.

..Appellant in W.A.999/04
&R1 in W.P.31183/03 and
sole respondent in
W.P.19909/01.

Vs.

R.Radhakrishnan ..R1 in W.A.999/04 and
Petitioner in both the
W.Ps.

The District Sports Officer,
Race Course Stadium,
Madurai. ..R2 in W.A.999/04 and
R2 in W.P.31183/03

PRAYER in Writ Appeal: Appeal filed under Clause 15 of the Letters Patent against the order of this Court in W.P.M.P.No.37965 of 2003 in W.P.No.31183 of 2003 dated 07.02.2004.

PRAYER in W.P.No.19909/2001: Petition under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the order of the respondent dated 21.09.2001 issued in Proc.Roc.No.18097/A1/2001 and quash the same and direct the respondent to allow the petitioner to continue to work as District Sports Officer with all consequential benefits.

PRAYER in W.P.No.31183 of 2003: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari calling for the records

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relating to the order of the first respondent dated 27.10.2003 issued in Proc.Roc.No.20470/A1/2003 and quash the same as far as the petitioner is concerned.

For Appellant :: Mr.P.Srinivas
and R1 in wP 31183/03 and
Respondent in W.P.19909/01.

For Respondents :: Ms.K.Suguna for R-1 in WA and
petitioner in both Wps.

Mr.V.Raghupathi,
Govt. Pleader for R-2 in WA &
WP 31183/03.

J U D G M E N T

(The Judgment of the Court was delivered by The Hon'ble The Chief Justice)

This writ appeal has been filed against the impugned order of the learned single Judge dated 07.02.2004.

2. The appellant has challenged his transfer order. It is well settled that transfer is an exigency of service and hence this Court should not ordinarily interfere with transfer orders. Admittedly, the first respondent in the writ appeal was on a transferable post. In the counter affidavit filed in W.P.No.31183 of 2003 various allegations have been made against the first respondent (the writ petitioner) of deserting his post and not taking any interest in work. In our opinion this does not make the transfer order illegal.

3. As regards the allegation of the writ petitioner that he was forced to sign in the relinquishment declaration dated 20.09.2001, this has been denied by the appellant (first respondent in W.P.No.31183 of 2003) and we cannot go into this serious factual controversy. Moreover, the writ petitioner has not stated in what manner he was compelled to sign that declaration. The writ petitioner does not deny his signature on that declaration, but merely states that the declaration was obtained by compulsion. Such a bald assertion that the statement was obtained under compulsion cannot be accepted unless it is explained in what manner that compulsion was made. The writ petitioner has not stated that he was given any threat to his life or personal injury unless he signs that declaration nor has he explained in what other manner such a threat was given. A mere assertion that a statement was signed under compulsion cannot be accepted, particularly, when it has been denied by the appellant, otherwise everybody can deny his signature on every document merely by saying that it was obtained by compulsion. Ordinarily when some one signs some document, it has to be presumed that the signature was

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obtained willingly and voluntarily, otherwise, there will be no sanctity of any signature in any document.

4. It was then contended that the impugned transfer order does not give reasons nor an opportunity of hearing was given before the passing of the impugned transfer order. In our opinion, there is no merit in these submissions, because a impugned transfer order is an administrative order and not a quasi-judicial one. Hence, no reasons have to be given in the transfer order nor an opportunity of hearing to be given before passing a transfer order.

5. In view of the above, this writ appeal is allowed and the impugned order is set aside. Consequently, W.A.M.P.No.1803 of 2004 is closed. Both the writ petitions and the connected miscellaneous petitions are also dismissed. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

Ns/sm
To

1. The Member Secretary,
   Sports and Development Authority of Tamil Nadu,
   Nehru Park, Chennai - 84.

2. The District Sports Officer,
   Race Course Stadium,
   Madurai.

One C.C. To Mr.P. Srinivas Advocate S.R.No.5235

One C.C. To Ms.K.Suguna, Advocate S.R. 4847.

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&
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& 31183/03.

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